

HOUSE BILL 709

By Whitson

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 5; Title 6; Title 7; Title 8; Title 50; Title 58;
Title 63 and Title 68, relative to the "Tennessee
Public Safety Behavioral Health Act."

WHEREAS, the State of Tennessee recognizes that there is a national epidemic of behavioral health issues, including, but not limited to, post traumatic stress disorder (PTSD); and

WHEREAS, the trauma experienced by a public safety employee has a cumulative effect on the employee over the course of the employee's career, affecting the employee's performance, professional life, and personal life; and

WHEREAS, the rate of suicide among public safety employees is on the rise; and

WHEREAS, the State of Tennessee recognizes that PTSD and other behavioral health issues are treatable with appropriate care; and

WHEREAS, the State of Tennessee recognizes that public safety employees with PTSD and other behavioral health issues have more complex issues and require greater assistance than what is available through general employee assistance programs; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 50, Part 1, is amended by adding the following language as a new section:

(a) This section shall be known and may be cited as the "Tennessee Public Safety Behavioral Health Act."

(b) As used in this section:

(1) "Licensed professional counselor" means a person licensed as a professional counselor designated as a mental health service provider under title 63, chapter 22, part 1, who:

(A) Is in good standing with the board for professional counselors, marital and family therapists, and clinical pastoral therapists;

(B) Has successfully completed education and training in at least one (1) category of trauma therapy;

(C) Has at least two (2) years of experience working with trauma patients and recovery; and

(D) Is an active member of the American Counseling Association in addition to one (1) other similar professional organization;

(2) "Post traumatic stress disorder" or "PTSD" has the same meaning as defined in the most recent publication of the Diagnostic and Statistical Manual of Mental Disorders;

(3) "Public safety employee" means any law enforcement personnel, emergency medical worker, or professional fire fighter, who is a paid, full-time employee of a public safety employer;

(4) "Public safety employer" means this state, a local government, or any other political subdivision of this state that employs public safety employees on a full-time basis; and

(5) "Trauma therapy" means, with respect to victims of trauma, cognitive therapy, exposure therapy, stress inoculation therapy, and eye movement desensitization reprocessing.

(c) Public safety employers shall:

(1) In addition to any other health benefits offered, provide, at no cost to a public safety employee, not less than ten (10) visits with a licensed professional counselor for the purpose of treating PTSD;

(2) Promote the use of licensed professional counselors and other behavioral health professionals to public safety employees;

(3) Establish, in conjunction with a licensed professional counselor, support programs in an effort to mitigate behavioral health issues within the public safety employee community; and

(4) Maintain, and regularly provide public safety employees with, a list of licensed professional counselors who are qualified to provide trauma therapy under this section.

(d) Public safety employers shall not engage in the retaliatory treatment of public safety employees seeking or utilizing licensed professional counselors or behavioral health programs, including, but not limited to, discharge, denial of promotions, punitive work assignments, transfers, or similar retaliatory actions.

(e) Licensed professional counselors providing services to public safety employees shall participate in training that familiarizes the counselors with the unique problems associated with each public safety profession, including, but not limited to, critical incident response training, critical incident stress management, field exercises such as ride-alongs, visits to fire and police stations, and similarly appropriate training.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.